

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

MICKEY ANDREW LOVETT, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:21-cv-00010-TWP-DML
)	
STEAK N' SHAKE, LUDEK HAMALA, TODD)	
KNIEBBE, and KENDOL MADDOX,)	
)	
Defendants.)	

ENTRY SCREENING THE AMENDED COMPLAINT AND DIRECTING SERVICE

In its Entry of February 26, 2021, the Court granted *pro se* Plaintiff Mickey Andrew Lovett, Jr.'s ("Lovett") motion to proceed *in forma pauperis*, screened his Complaint, and directed him to correct his pleading deficiencies by filing an amended complaint no later than March 31, 2021, or his action would be dismissed for lack of subject-matter jurisdiction ([Filing No. 6](#)). On March 3, 2021, Lovett filed an Amended Complaint ([Filing No. 7](#)).

Because Lovett's case is proceeding *in forma pauperis*, the Amended Complaint is subject to screening pursuant to 28 U.S.C. § 1915(e)(2)(B). District courts have an obligation under 28 U.S.C. § 1915(e)(2)(B) to screen complaints before service on the defendant and must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. Dismissal under the *in forma pauperis* statute is an exercise of the court's discretion. *Denton v. Hernandez*, 504 U.S. 25, 34 (1992). In determining whether the complaint states a claim, the court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Lagerstrom v. Kingston*, 463 F.3d 621, 624 (7th Cir. 2006). To survive dismissal under federal pleading standards,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

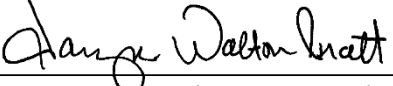
Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). Thus, a "plaintiff must do better than putting a few words on paper that, in the hands of an imaginative reader, *might* suggest that something has happened to her that might be redressed by the law." *Swanson v. Citibank, N.A.*, 614 F.3d 400, 403 (7th Cir. 2010) (emphasis in original).

In this civil action, *pro se* plaintiff Lovett brings employment discrimination and retaliation claims against the Defendants Steak n' Shake, Ludek Hamala, Todd Kniebbe, and Kendol Maddox (collectively, "Defendants") ([Filing No. 7](#)). Lovett, an African American male, alleges the Defendants discriminated and retaliated against him based on his race and color. He asserts various actions by the Defendants that were based upon lawful discrimination: failure to hire, failure to promote, unequal terms of employment, and termination. *Id.* at 4–5. At this time, the Court has not determined that the action must be dismissed pursuant to § 1915(e) and therefore **shall proceed**. This ruling is without prejudice to the Defendants ability to file of a formal Rule 12 motion.

Because Lovett is proceeding *in forma pauperis*, Federal Rule of Civil Procedure 4(c)(3) requires the Court to order service for him. Accordingly, the Clerk is **designated** pursuant to Rule 4(c)(3) to issue process to Defendants Steak n' Shake, Ludek Hamala, Todd Kniebbe, and Kendol Maddox in the manner specified by Rule 4(d). Process shall consist of the Amended Complaint ([Filing No. 7](#); [Filing No. 7-1](#)), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

SO ORDERED.

Date: 3/15/2021


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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